

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

LOWER BRULE SIOUX TRIBE; and individual)
members Neil Pierre Russell, Stephanie Bolman,)
and Ben Janis,)

Plaintiffs,)

v.)

LYMAN COUNTY; LYMAN COUNTY)
BOARD OF COMMISSIONERS; BRIAN)
KRAUS, in his official capacity as Lyman)
County Commissioner; LESLIE REUER, in her)
official capacity as Lyman County)
Commissioner; ZANE REIS, in his official)
capacity as Lyman County Commissioner;)
RYAN HUFFMAN, in his official capacity as)
Lyman County Commissioner; JARED)
SCHELSKE, in his official capacity as Lyman)
County Commissioner; and DEB HALVERSON,)
in her official capacity as Lyman County Auditor,)

Defendants.)

Case No. 3:22-cv-03008

**DEFENDANTS' SECOND MOTION
TO DISMISS**

COMES NOW Defendants ("the County"), by and through their counsel, Sara
Frankenstein of Gunderson, Palmer, Nelson & Ashmore, LLP, and respectfully moves the Court
for an order dismissing Plaintiffs' Complaint for lack of subject-matter jurisdiction because
Plaintiffs' claims are now moot by virtue of the County enacting its new Ordinance and the
Court enjoining its modification. This motion is filed pursuant to Federal Rule of Civil
Procedure 12(b)(1). This motion is supported by the accompanying brief in support of
Defendants' Second Motion to Dismiss.

Dated: September 26, 2022.

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP

By: /s/ Sara Frankenstein

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